

**UPAP0003-100**  
**Application No.: 10/076,900**

**PATENT**  
**Filed: February 14, 2002**

### **REMARKS**

#### **Status of the claims**

Claims 15, 16, 39-54, 81-91 and 93-114 are in the application

Claims 15, 16, 39-43, 45-49, 51-53, 81, 83, 85, 87, 89-91, 93, 95-97, 99, 101-103 and 108-114 have been rejected.

Claims 44, 50, 54, 82, 84, 86, 88, 94, 98, 100 and 104-107 have been objected to.

By way of this amendment, claim 15, 16, 106 and 114 have been amended, claims 44, 50, 54, 82, 84, 86, 88, 94, 98, 100, 104 and 105 have been canceled and new claims 115-121 have been added.

Upon entry of this amendment, claims 15, 16, 39-43, 45-49, 51-53, 81, 83, 85, 87, 89-91, 93, 95-97, 99, 101-103 and 106-121 will be pending.

#### **Summary of the Amendment**

The claims have been amended in view of the objection to the claims.

Claim 15 has been amended to add the limitation that the composition administered to the individual further comprises bupivacaine. The amendment of claim 15 renders previously objected to and now canceled claims 44, 50, 82, 84 and 86 redundant with claims 43, 49, 81, 83 and 85, respectively. In addition, to claims 43, 49, 81, 83 and 85, the amendment of claim 15 renders claims 39-42, 45-48, and 108-114 allowable.

Claim 16 has been amended to add the limitation that the composition administered to the individual further comprises bupivacaine. As amended, claim 16 corresponds to objected to and now canceled claim 105. The amendment of claim 16 renders previously objected to and now canceled claims 54, 88, 94, 98, 100 and 104 redundant with claims 53, 87, 93, 97, 99 and 103, respectively. In addition, to claims 53, 87, 93, 97, 99 and 103, the amendment of claim 16 renders claims 51, 52, 89-91, 95-97 and 101-103 allowable. Previously objected to claims 106 and 107 remain allowable.

Claims 106 has been amended in view of the cancellation of claim 105 to be dependent on claim 16 which correspond to previous claim 105.

Claims 114 has been amended to correct an obvious error in dependency.

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New claims 115-121 correspond to claims 108-114 except new claims 115-121 are dependent on claim 16.

No new matter has been added.

**Rejection under 35 U.S.C. §103**

Claims 15, 16, 39-41, 45-47, 51, 81, 83, 85, 87, 89, 93, 95, 99, 101 and 108-114 have been rejected under 35 U.S.C. §103 as being unpatentable over Carson et al. (U.S. Patent No. 5,679,647), in view of Gately et al. (Cell Immunol 1992;143:127-142), and as evidenced by Harris et al (J Pharm Sci 1992;81:1-10).

Claims 42, 43, 48, 49, 52, 53, 90, 91, 96, 97, 102 and 103 have been rejected under 35 U.S.C. §103 as being unpatentable over Carson et al. (U.S. Patent No. 5,679,647), in view of Gately et al. (Cell Immunol 1992;143:127-42) as applied to claims 15, 16, 39-41, 45-47, 51, 81, 83, 85, 87, 89, 93, 95, 99, 101, 108-114, further in view of Wang et al (PNAS 1993;90:4156-60).

The amendment of claims 15, 16, 106 and 114 obviates the rejection.

Applicants respectfully request that the rejection of claims 15, 16, 39-41, 45-47, 51, 81, 83, 85, 87, 89, 93, 95, 99, 101 and 108-114 as being unpatentable under 35 U.S.C. §103 in view of Carson et al., be withdrawn.

Applicants respectfully request that the rejection of claims 42, 43, 48, 49, 52, 53, 90, 91, 96, 97, 102 and 103 as being unpatentable under 35 U.S.C. §103 in view of Carson et al., be withdrawn.

**Objection**

Claims 44, 50, 54, 82, 84, 86, 88, 94, 98, 100, 104, 105-107 have been objected to. It is stated that claims 44, 50, 54, 82, 84, 86, 88, 94, 98, 100, 104, 105-107 would be allowable if written in independent form incorporated all of the limitations of the claims from which they depend.

Claim 16 is now an independent claim and corresponds to objected to claim 105, which was dependent on claim 16. Claim 16 as amended further includes all limitations of claim 15, from which claim 16 previously depended.

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Objected to claims 44, 50, 54, 82, 84, 86, 88, 94, 98, 100, 104 and 105 have been canceled in view of the amendment of claims 15 and 16. As amended, claims 43, 49, 53, 81, 83, 85, 87, 93, 97, 99 and 103 correspond to objected to claims in all respects.

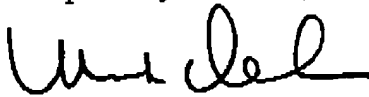
As amended, claims 43, 49, 53, 81, 83, 85, 87, 93, 97, 99 and 103 are allowable. Applicants respectfully request that the objection to the claims be withdrawn.

**Conclusion**

For the foregoing reasons, claims 15, 16, 39-43, 45-49, 51-53, 81, 83, 85, 87, 89-91, 93, 95-97, 99, 101-103 and 106-121 are in condition for allowance. The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicant invites the Examiner to contact the undersigned at 215.665.5592 to clarify any unresolved issues raised by this response.

As indicated on the transmittal accompanying this response, the Commissioner is hereby authorized to charge any debit or credit any overpayment to Deposit Account No. 50-1275.

Respectfully submitted,



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Dated: April 21, 2006  
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